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C O N F I D E N T I A L SECTION 01 OF 02 MOSUL 000038

SIPDIS

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JUSTICE FOR: CARL ALEXANDRE AND KATHLEEN OCONNOR

E.O. 12958: DECL: 3/31/2016

TAGS: [PREL](#) [PINS](#) [PINT](#) [PGOV](#) [PHUM](#) [IZ](#) [MARR](#) [KCRM](#)

SUBJECT: NINEWA RULE OF LAW ISSUES PART II: BASIC PRINCIPLES IN  
CRIMINAL JUSTICE COURSE STRENGTHENING TIES BETWEEN POLICE AND  
JUDICIARY

REF: MOSUL 37; MOSUL 17

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CLASSIFIED BY: Cameron Munter, PRT Leader, Provincial  
Reconstruction Team Ninewa, State.  
REASON: 1.4 (a), (b), (d)

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SUMMARY  
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¶1. (C) Rule of law in Ninewa, or the lack thereof as many speculate, has negatively affected the public's trust in government institutions and the criminal justice system to protect them. At the root of the problem in Ninewa is poor communication and coordination by Iraqi Security Forces (ISF) and the judiciary, which has caused the courts to throw out some terrorist and criminal cases due to faulty investigative procedures. In an effort to shore up relations between the police and the judiciary, the PRT, with input from Investigative Judge Amer Rasheed Hammedi, helped develop a 24-hour training course on investigative procedures. The course, Basic Principles in Criminal Justice (BPCJ), is a substantive breakthrough in efforts to bring the police and courts into a partnership to solve problems in the criminal justice system. So far, 45 police officers have received the training, and both the chief of police and chief judge have expressed their commitment to continuing the course. End Summary.

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IMPETUS FOR INVESTIGATIVE PROCEDURES COURSE  
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¶2. (C) Rule of law in Ninewa, or the lack thereof as many speculate, has negatively affected the public's trust in government institutions and the criminal justice system to protect them. At the root of the problem in Ninewa is poor communication and coordination by Iraqi Security Forces (ISF) and the judiciary, which has caused the courts to throw out some terrorist and criminal cases due to faulty investigative procedures and the lack of protection of crime scenes. In an effort to shore up relations between the Iraqi Police (IP) and the judiciary, the PRT, with input from Investigative Judge Amer

Rasheed Hammedi, helped develop a 24-hour training course on investigative procedures. The course, Basic Principles in Criminal Justice (BPCJ), is a substantive breakthrough in efforts to bring the IP and courts into a partnership to solve problems in the criminal justice system. Four areas were covered: human rights, investigative techniques, the penal code, and criminal procedure. Each topic received six hours of class time for a total of 24 hours of instruction over three weeks. The first session of the inaugural class was held on Monday, February 27, 2006 and met on Monday and Tuesday mornings.

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JUDGES TAKING THE LEAD  
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13. (C) Three local judges led this event. Judge Hammedi instructed the participants in human rights and investigative techniques. Judge Ahmed Ali Herethee taught courses on the penal code, and Judge Bashir Al Jubouri instructed criminal procedure. The Ninewa PRT Rule of Law Team developed the course through an intense relationship-building effort. The PRT rule of law Coordinator was the first civilian to work with the local judges in Ninewa since the fall of the former regime. Building on a strong relationship with the courts fostered by MNF-NW in 2005, the PRT expanded on this trust to discuss with Chief Judge Faisal Sadeeq Hadeed and Judge Hammedi ideas on how to strengthen the criminal justice system in Ninewa.

14. (C) Over a period of six weeks, the PRT met with Judge Hammedi to identify major problems with IP performance in criminal investigations, which was quickly identified as a lack of training on the law and evidence collection (reftels). He also identified the pervasiveness of coerced confessions. It was from this discussion that the idea for the training course came about. The judges realized, most importantly, that they needed to take a leadership role in improving police investigative practices. They could not simply sit back and complain about the police and then refuse to help solve the problem, said Hammedi. At the same time, the PRT met with

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Provincial Chief of Police Wathiq Al Qudir to secure his endorsement of the idea. Al Qudir was immediately supportive of the course and committed 15 officers to take it. Judges were the best possible instructors for his officers, claimed Al Qudir, and IP investigators needed help in the four areas of concentration in the course.

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SUCCESSFUL START  
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15. (C) The Basic Principles in Criminal Justice course got off to an inspiring start. Forty-five IP officers, and not just the 15 originally selected, attended the inaugural course. Several officers commented that this type of interaction was long overdue. They said they respected the expertise of the judges, and took copious notes during lectures, frequently asked questions, and approached the judges for further discussion at breaks. Even more remarkable was that the judges came to the Ninewa Police Directorate to teach the courses. This demonstrated to the police that the judges were sincere in their efforts to improve the work of the police. Hadeed was very supportive of the course and asked the PRT to coordinate with Hammedi to refine it. Both Hadeed and Al Qudir said they were committed to continuing with this effort. The second course was scheduled to begin the last week in March. Hammedi expressed his satisfaction with the whole process, especially the attitude of the IP officers. He claimed the real test of the course would be how the officers applied the judge's instructions in the field. Hammedi said he would monitor the work of class participants to see if their cases improve before deciding whether to bring them in for more instruction.

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COMMENT

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¶6. (C) Initiatives like the BPCJ course are critical to improving police-judicial cooperation in strengthening case development without relying on coerced confessions. Ultimately, police officers and judges need to communicate routinely about how to improve specific cases so that dangerous defendants do not get released for lack of evidence.  
MUNTER